

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT WARD GARRISON,

Plaintiff,

v.

DOUG WADDINGTON, *et al.*,

Defendants.

Case No. C05-5487 RJB/KLS

ORDER DENYING PLAINTIFF'S
SECOND MOTION FOR
RECONSIDERATION OF ORDER
DENYING MOTION TO COMPEL

On September 7, 2007, the Court granted in part and denied in part, Plaintiff's motion to compel. (Dkt. # 91). Plaintiff now files a second motion seeking reconsideration of that Order. (Dkt. # 101). Plaintiff's first motion for reconsideration (Dkt. # 97) was denied. (Dkt. # 105). After carefully reviewing Plaintiff's motion for reconsideration and the record, the Court finds that this motion for reconsideration shall be denied.

I. DISCUSSION

Motions for reconsideration are disfavored and will ordinarily be denied in the "absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to the court's attention earlier with reasonable diligence." Local Rule

1 CR 7(h)(1).

2 Plaintiff bases this motion for reconsideration on allegations that he was previously unable
3 to clearly articulate the documents he sought, that defense counsel was incorrect in claiming that
4 documents would have to be created in response to certain document requests, that he was
5 precluded from fully responding to Defendants' objections because they were sent to the wrong
6 address, and because this Court denied Plaintiff's motion to require the parties to meet and confer.
7 This Court previously denied Plaintiff's motion for reconsideration based on Plaintiff's claim that
8 the Court has ruled inconsistently by requiring him to meet and confer on a discovery issue in
9 another case. (Dkt. # 105).

10 The Court finds that Plaintiff has not presented any new facts or legal authority that could
11 not have been presented to the Court's attention earlier with reasonable diligence. To the extent
12 Plaintiff has issues with the discovery provided to him by Defendants in accordance with this
13 Court's earlier Order (which granted Plaintiff's motion to compel in part) (Dkt. # 91), he should
14 meet and confer with defense counsel with regard to those issues. Plaintiff's complaint that counsel
15 failed to meet and confer with him in one case does not relieve him of his duty to meet and confer
16 here. Before a party may bring a motion to compel discovery, he needs to make good faith effort to
17 meet and confer regarding the outstanding discovery at issue. Fed. R. Civ. P. 37(2)(b).

18 ACCORDINGLY, it is **ORDERED**:

19 (1) Plaintiff's motion for reconsideration (Dkt. # 97) is **DENIED**;

20 (2) The Clerk is directed to send copies of this Order to Plaintiff, counsel for
21 Defendants, and to the Honorable Robert J. Bryan.

22 DATED this 17th day of December, 2007.

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25 Karen L. Strombom
26 United States Magistrate Judge
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